

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
LAREO DIVISION**

IN RE: G.B.G. RANCH, LTD. Debtor.	§ § § § § §	CASE NO. 14-50155 Chapter 11
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ANAM, LTD., GUILLERMO BENAVIDES Z. AND GUILLERMO R. BENAVIDES v. GBG RANCH, LTD. v. ANAM, L.C., GUILLERMO BENAVIDES Z AND GUILLERMO R. BENAVIDES	§ § § § § § § § § §	ADV. NO. _____ Removed from Consolidated Cause No. 2011-CVF-000194 49th Judicial District Court Webb County, Texas
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NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE, DAVID JONES:

COMES NOW, G.B.B. RANCH, LTD., the Debtor-In-Possession ("Debtor") in the above styled and numbered Bankruptcy Proceeding and files this its Notice of Removal of State Court Litigation. Debtor stands as Plaintiff, Defendant, Counter-Plaintiff and Counter-Defendant in the litigation styled as *Anam Ltd., Guillermo Benavides Z. and Guillermo R. Benavides vs. G.B.G. Ranch, Ltd.* and pending in the 49th Judicial District Court of Webb County, Texas under Cause No. 2011-CVF-000194-D1 (the "Removed Litigation"). In support of this Notice of Removal, Debtor would respectfully show unto the Court as follows:

I.
Jurisdiction and Venue

1.01 This Court has jurisdiction over the Removed Litigation pursuant to 28 U.S.C. §1334(b).

1.02 Removal to this Court is appropriate pursuant to 28 U.S.C., §1452(a) and the Standing Order of Reference of Bankruptcy Cases and Proceedings for the Southern District of Texas.

1.03 Pursuant to 28 U.S.C., §1452(a), venue for the Removed Litigation is proper in this Court as the federal district where the Removed Litigation was pending.

1.04 This removal is timely filed pursuant to Rule 9072(a)(2)(B), Bankruptcy Rules Of Procedure. Consent of the other parties, however aligned, is not necessary as a condition precedent to the removal of the Removed Litigation. *See, e.g. Creasy v. Coleman Furniture Corp.* 763 F. 656, 660 (4th Cir. 1985).

II. STATEMENT OF FACTS RELEVANT TO REMOVAL

1.05 On July 8, 2014, the Debtor filed its voluntary Chapter 11 Petition under 11 U.S.C. §101, *et seq.* in this Court. Debtor is currently operating as a Debtor-in-Possession pursuant to 11 U.S.C. §1108.

1.06 The Removed Litigation involves both “core” and “non-core” claims and causes of action between the Debtor and the various parties. Core jurisdiction arises under 28 U.S.C. §157(b)(2)(A), (B), (C), (H) and (O).

1.07 The Debtor waives any right to a jury trial in this Court. The Debtor consents to the entry of final judgments and orders by the Bankruptcy Court, including final judgments and orders regarding non-core claims.

1.08 The Removed Litigation is a substantive consolidation of five (5) discreet causes of action involving multiple parties, including the Debtor. Of the five (5) causes of action representing the Removed Litigation, the Debtor concedes that the cause of action initially styled *Norma Benavides and Manuel Benavides, Individually and as Trustees of the Guillermo Benavides Garza Residuary Trust vs. Guillermo Benavides, individually and as Trustee of the Guillermo Benavides Garza*

Residuary Trust (originally identified as Cause No. 2011-CVQ-000574-D1) ("Residuary Trust Litigation") is unrelated to the administration of the Debtor's estate. The Debtor acknowledges to this Court that the Residuary Trust Litigation should be remanded to the 49th Judicial District Court for disposition.

1.09 A cost bond is not required to accomplish this removal.

III. THE PARTIES AND COUNSEL

All parties and their counsel of record in the Removed Litigation are as follows:

A. Aligned as Plaintiffs, Defendants, Counter-Plaintiffs, Counter-Defendants, Cross-Plaintiffs and Cross-Defendants:

- i. Anam, Ltd.
- ii. Guillermo Benavides Z., individually and derivatively on behalf of GBG Ranch, Ltd.
- iii. Guillermo R. Benavides
- iv. Hillary A. Hunt
- v. Mario M. Benavides
- vi. Alfonso F. Benavides
- vii. Rolalina Madrid, Trustee of the Guillermo Francisco Benavides 1999 C Trust, Trustee of the Alejandro Mauricio Benavides 1999 C Trust

Counsel:

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B. Debtor's Bankruptcy Counsel:

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C. Non-Debtor Plaintiffs, Defendants, Counter-Plaintiffs, Counter-Defendants, Cross-Plaintiffs and Cross-Defendants:

- i. Guillermo Benavides Garza Investment Company
- ii. Benavides Family Minerals, Ltd.
- iii. Norma Z. Benavides as a Director of Guillermo Benavides Garza Investment Company and Trustee of the Guillermo Benavides Garza Residuary Trust
- iv. Manuel A Benavides as a Director of Guillermo Benavides Garza Investment Company and Trustee of the Guillermo Benavides Garza Residuary Trust
- v. Guillermo Benavides Garza Residuary Trust

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**IV.
STATUTORY COMPLIANCE**

4.01 Debtor will give notice of the removal of the Removed Litigation to all parties by and through their counsel of record and will file a Notice of Removal with the District Clerk of Webb County, Texas under the cause number of the Removed Litigation.

4.02 Pursuant to Bankruptcy Rule 9027(h) and Local Rule 9027(b), a copy of the state court's docket sheets are attached hereto as Exhibit A and incorporated herein by reference for all purposes. Contemporaneously with the filing of this Notice of Removal, the Debtor has filed a Motion for Extension of Time to File State Court Record. The record in the Removed Litigation is voluminous and will be filed immediately upon the receipt of the copies of all filed documents from the state District Court.

4.03 To the best knowledge of the Debtor, all parties to the Removed Litigation have been served.

4.04 An appeal was taken in the Removed Litigation. The opinion was rendered on July 9, 2014. The opinion and the ruling are not yet part of the actual record of the state District Court, but will be provided by supplemental filing.

WHEREFORE, PREMISES CONSIDERED, for the foregoing reasons, the Debtor requests that this Court assume jurisdiction of the Removed Litigation, that the Removed Litigation proceed in this Court pursuant to 28 U.S.C. §§1334 and 1452 as well as Rule 9027 Bankr. R. Pro. And Local Rule 9027, together with such other and further relief at law or in equity to which the Debtor may be justly entitled.

Respectfully Submitted,

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/s/ Carl M. Barto

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of July, 2014 a true and correct copy of the foregoing has been served pursuant to the ECMF filing and notice procedures and in the manner indicated to the following parties:

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